

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
RICHARD DALY,

RULE 7.1 STATEMENT

Plaintiff,

- against -

08 CV 00234 (GEL)

METRO-NORTH COMMUTER RAILROAD,

Defendant.

-----X

Pursuant to Rule 7.1 of the Federal Rules of Civil Procedure and to enable Judges and Magistrate Judges of the court to evaluate possible disqualification or recusal, the undersigned counsel for defendant Metro-North Commuter Railroad ("Metro-North") certifies that Metro-North is a Public Benefit Corporation organized and existed under the laws of the state of New York and does not have any outstanding securities in the hands of the public.

These representations are made in order that the judges of this court may determine the need for recusal.

Dated: New York, New York
February 29, 2008

Respectfully submitted,

LANDMAN CORSI BALLAINE & FORD P.C.

By:

Philip DiBerardino
Philip DiBerardino (PD 9274)
Attorneys for Defendant
Metro-North Commuter Railroad
120 Broadway, 27th Floor
New York, New York 10271-0079
(212) 238-4800

TO: LAW OFFICES OF MICHAEL FLYNN PC
Attorneys for Plaintiff
1205 Franklin Avenue
Garden City, New York 11530
(516) 877-1234

AFFIDAVIT OF SERVICE BY MAIL

STATE OF NEW YORK }
COUNTY OF NEW YORK } ss.:

Jelena Brigida, being duly sworn, deposes and says, that deponent is not a party to the action, is over 18 years of age and resides at BROOKLYN, NEW YORK.

That on the 29th day of February, 2008, deponent served the within **RULE 7.1 STATEMENT** upon

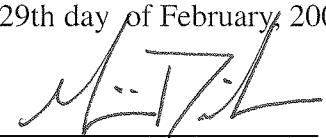
LAW OFFICES OF MICHAEL FLYNN PC
Attorneys for Plaintiff
1205 Franklin Avenue
Garden City, New York 11530
(516) 877-1234

attorneys in this action, at the addresses designated by said attorneys for that purpose by depositing a true copy of same enclosed in a postpaid properly addressed wrapper, in an official depository under the exclusive care and custody of the United States post office department within the State of New York.



Jelena Brigida

Sworn to before me this
29th day of February 2008



Notary

MIRIAM DEIKUN
Notary Public, State of New York
No. 01DE6141377
Qualified in Queens County
Commission Expires February 21, 2012